

REMARKS/ARGUMENTS

Applicants have amended Claims 1, 11 and 17. Claims 1, 2, 4 – 17 and 19 – 28 are pending in this application. Applicants request reconsideration of this application in view of the above amendments and the following remarks and arguments.

Claim Rejections -35 USC § 103

The Examiner has rejected Claims 1, 2, 4, 17 and 19 – 22 under 35 U.S.C. 103 (a) as being unpatentable over Sonoyama et al. (US 2004/0122570) in view of Pillar et al. (US 2005/0234622). Applicants disagree with the Examiner's opinion and traverse the rejections.

To establish a *prima facie* case of obviousness, and hence to find Claims 1, 2, 4, 17 and 19 – 22 unpatentable under 35 U.S.C. § 103(a) over the combination of Sonoyama and Pillar, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not be based upon Applicant's disclosure. MPEP at § 2142. In the present case, all three criteria are not met because, *inter alia*, the cited references when combined do not teach or suggest all of the claim limitations.

In the Office Action dated November 29, 2006, the Examiner states “[r]egarding claim 1, Sonoyama discloses a communication system for communication between a vehicle and a service station, including a vehicle 1 having a diagnostic system, a transceiver 11 operable on a LAN.... see FIG. 1.... Sonoyama fails to disclose accessing the vehicle diagnostic system from an external source to perform a diagnosis of the vehicle.... Pillar discloses accessing the vehicle diagnostic system 212 from an external source 428 to perform a diagnosis of a vehicle....” See Office Action, pages 2 -3. Applicants agree with the Examiner that Sonoyama fails to describe accessing the vehicle diagnostic system from an external source to perform a diagnosis of the vehicle.

Further, it is noted that Sonoyama does not describe a *diagnostic system* at all. The Examiner cites figure 1 of Sonoyama for such a teaching. However, figure 1 of Sonoyama shows an automated guided vehicle 1 having a wireless LAN adaptor 11, a memory part 12, a control part 14 and a melody reproducing device 13. There is no teaching to a diagnostic system in Sonoyama's figure 1 or anywhere else in Sonoyama. Hence, the vehicle described in Sonoyama does not include a diagnostic system. Additionally, the Applicants cannot find such a limitation in Pillar. Since Sonoyama in combination with Pillar do not teach or suggest a claimed limitation, a rejection of the claims under 35 U.S.C. 103(a) is improper and should be withdrawn.

In any case, Applicants have amended Claim 1 to more clearly describe the invention. Applicants have amended Claim 1 to require that "the service records include *service history* of the vehicle." Support for this amendment is found at least on page 5 ... of Applicants' specification. Claim 1 now requires that "the local communication device [*synchronize*] service records with the vehicle, wherein the service records include service history of the vehicle." Such a limitation is not found in any of the cited references. The Examiner appears to find a teaching to "service records" in paragraph 24 of Sonoyama. However, such a citation describes how an automated guided vehicle must obtain information necessary for it to run. This disclosure does *not* teach "synchronizes service records with the vehicle." Specifically, Sonoyama does not involve retrieval of any sort of service history for its vehicle. Additionally, the Applicants cannot find such a limitation in Pillar. Since Sonoyama in combination with Pillar do not teach or suggest a claimed limitation, a rejection of the claims under 35 U.S.C. 103(a) is improper and should be withdrawn.

Furthermore, Applicants have amended Claim 1 to require that the service station includes a *local communication device*. Support for this amendment is found at least on page 5, lines 7 – 17 of Applicants' specification. Such a limitation is not found in any of the cited references. The Examiner states that "Sonoyama describes a communication system for communication...; and a local communication device 16 for the vehicle service station..." See Office Action, page 2. It appears that the Examiner purports to find the limitation of a local communication device in item 16 of Sonoyama's figure 1. However, it is noted that item 16 is the antenna of wireless LAN adaptor 11 which is a

part of the vehicle 1. See Sonoyama, figure 1 and paragraph 65. Hence, Sonoyama does not describe a service station having a *local communication device*, the local communication device operable on the LAN and operable to access the diagnostic system and to download the diagnosis information from the vehicle as required by Applicants' claims. Additionally, the Applicants cannot find such a limitation in Pillar. Since Sonoyama in combination with Pillar do not teach or suggest a claimed limitation, a rejection of the claims under 35 U.S.C. 103(a) is improper and should be withdrawn.

In the Office Action dated November 29, 2006, the Examiner states "[r]egarding claim 17, Sonoyama discloses a method of communication between a service station and a vehicle 1 with a transceiver 11 operable on a local area network.... See paragraph 22, lines 1-13,... paragraph 86, lines 1-13. Sonoyama fails to disclose querying the vehicle diagnostic system from service station to perform diagnosis of the vehicle... Pillar discloses accessing the vehicle diagnostic system 212 from a service station 428...." See Office Action, pages 3 – 4. It is noted that the Examiner's reliance upon the cited references appears to be misplaced.

As mentioned above, Sonoyama fails to describe a *diagnostic system*. Additionally, the Applicants cannot find such a limitation in Pillar. Since Sonoyama in combination with Pillar do not teach or suggest a claimed limitation, a rejection of the claims under 35 U.S.C. 103(a) is improper and should be withdrawn.

In any case, Applicants have amended Claim 17 to more clearly describe the invention. Applicants have amended Claim 17 to clarify that "the diagnosis information includes service history data." Referring to Sonoyama, paragraph 86, Sonoyama describes "information on start instructions or other messages passed with the external device or with another automated guided vehicle [which] includes at least one selected from an identification number of the external device or of the another automated guided vehicle and a task identification number." Hence, Sonoyama teaches start instructions for the external devices or another automated vehicle comprising identification number of another automated guided vehicle. However, Applicants note that Sonoyama fails to describe downloading of diagnosis information from the memory, wherein the diagnosis information includes *service history data* as required by Applicants' amended claims. Additionally, the Applicants cannot find such a limitation in Pillar. Since Sonoyama in

combination with Pillar do not teach or suggest a claimed limitation, a rejection of the claims under 35 U.S.C. 103(a) is improper and should be withdrawn.

In any case, Applicants have further amended Claim 17 to more clearly describe the invention. Applicants have amended Claim 17 to clarify that the service station includes a local communication device. Support for this amendment is found on at least on page 5, lines 7 – 17 of Applicants' specification. As mentioned above, Sonoyama fails to describe such a limitation. Additionally, the Applicants cannot find such a limitation in Pillar. Since Sonoyama in combination with Pillar do not teach or suggest a claimed limitation, a rejection of the claims under 35 U.S.C. 103(a) is improper and should be withdrawn.

Furthermore, Applicants have further amended Claim 17 to require “*detecting* a vehicle local area network transceiver within a coverage area of a local area network established by the service station.” Such a limitation is not found in any of the cited references. Referring to Sonoyama, paragraph 22, Sonoyama describes an automated guided vehicle passing running data by radio with an external device connected to the local area network. However, Sonoyama fails to describe a service station establishing a LAN and detecting a vehicle local area network transceiver within a coverage area of the LAN. Additionally, the Applicants cannot find such a limitation in Pillar. Since Sonoyama in combination with Pillar do not teach or suggest a claimed limitation, a rejection of the claims under 35 U.S.C. 103(a) is improper and should be withdrawn.

Regarding Claims 2, 4 and 19 – 22, it is noted that these Claims add limitations to what is believed to be allowable claims, namely independent Claims 1 and 17. Thus, a rejection of Claims 2, 4 and 19 - 22 under 35 U.S.C. 103(a) is improper and should be withdrawn. As such, the claims should proceed to allowance.

The Examiner has rejected Claims 5 – 16 and 23 – 28 under 35 U.S.C. 103 (a) as being unpatentable over Sonoyama et al. in view of Pillar et al. and Willson, Jr. et al. (US 2003/0033413). Applicants disagree with the Examiner's opinion and traverse the rejections.

In the Office Action dated November 29, 2006, the Examiner states “[c]laims 5, 11 and 23 incorporate the teachings in Sonoyama and Pillar as discussed with respect to Claim 1 above.... the combination of Sonoyama and Pillar fails to disclose that the

vehicle includes a vehicle operable on a wide area network (WAN).... Willson discloses a mobile wireless local area network in which a vehicle transceiver operates on a WAN....” See Office Action, page 5. It is noted that the Examiner’s reliance upon the cited references appears to be misplaced.

Dependent Claims 5 – 10 depend from, and include all the limitations of independent Claim 1, which was shown to be allowable for the reasons given above. Therefore, Applicants respectfully submit that the rejection of dependent Claims 5 – 10 under 35 U.S.C. 103(a) is improper and should be withdrawn.

Claims 11 and 23 essentially claim, *inter alia*, “the local communication device of the vehicle service station [communicating] with the diagnostic system of the vehicle” and “communication between a service station and a vehicle,” respectively via local area network (LAN) and a wide area network (WAN). For example, Claim 11 recites “a vehicle ... having ... a LAN transceiver [and] a WAN transceiver.” Claim 23 recites “receiving vehicle identification information from the vehicle at the service station *over the LAN*,” and “receiving the results of the diagnostic [from the vehicle] at the service station *over the WAN*.” Thus, a vehicle/service station system using both LAN and WAN communications is specifically claimed.

Referring to Willson, Willson describes transfer of vehicle data from the vehicle computer to a house computer through a wireless LAN connection. See Willson, figure 1 and paragraph 24. However, Willson fails to describe a vehicle having both, a local area network (LAN) transceiver and a wide area network (WAN) transceiver as required by Applicant’s claims, namely Claim 11 and Claim 23. Further, Willson fails to describe “detecting whether the vehicle is within the coverage area of LAN defined by the service station” as required by Applicants’ Claim 23. Additionally, the Applicants cannot find this limitation in the combination of Sonoyama and Pillar. Furthermore, a combination of Sonoyama, Pillar and Willson fails to describe “[a] vehicle service station having a local communication device...and the local communication device communicating with the diagnostic system of the vehicle to download the information from the vehicle” as required by Applicants’ claims 11 and 23. Thus, Sonoyama, Pillar and Willson either alone or in combination fail to describe limitations as required by Applicants’ claims as

amended. Hence, a rejection of Claims 11 and 23 under 35 U.S.C. 103(a) is improper and should be withdrawn. As such, the claims should proceed to allowance.

Regarding Claims 12 – 16 and 24 – 28, it is noted that these claims add limitations to what is believed to be allowable claims, namely Claims 11 and 23. Thus, a rejection of Claims 5 – 10, 12 – 16 and 24 – 28 under 35 U.S.C. 103(a) is improper and should be withdrawn. As such, the claims should proceed to allowance.

The Applicants believe that the subject application is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any Claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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